

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
04-10319-WGY

* * * * *
UNITED STATES OF AMERICA
v.
NOEL HERNANDEZ
* * * * *

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,
District Judge

1 Courthouse Way
Boston, Massachusetts

October 18, 2005

1 **THE COURT:** Mr. Noel Hernandez, in consideration of
2 the offenses of which you stand convicted, the information
3 from the United States Attorney, the data from the probation
4 office, the argument of your own attorney, and the
5 information from the probation office, this Court sentences
6 you to eleven years, 132 months, in the custody of the
7 United States Attorney General.

8 The Court imposes upon you no fine due to your
9 inability to pay a fine. The Court imposes four years of
10 supervised release with the special conditions that you're
11 prohibited from possessing a firearm or other dangerous
12 weapon. If ordered deported you're to leave the United
13 States, not to return without the prior permission of the
14 Secretary of the Department of Homeland Security.

15 I said there was no fine due to your inability to
16 pay a fine. The special assessment of \$300. The sentence
17 on each count to run concurrent one with the other.

18 You'll have credit toward the service of that
19 sentence for the period from July 13 through October 7, 2004
20 and from July 27th until the present when you have been in
21 custody.

22 Let me explain the sentence to you. You were the
23 organizer and manager of this conspiracy to import heroin.
24 A large quantity of heroin. I have sentenced you
25 commensurate only with the heroin you were in fact, they in

1 fact caught you trying to import. The evidence is clear
2 beyond a reasonable doubt that you are the organizer and
3 manager of such a conspiracy and a dangerous conspiracy.
4 The sentence imposed by the Court is fair and just in all
5 respects.

6 You have the right to appeal, Mr. Hernandez, from
7 any findings or rulings this Court has made against you.
8 Should you appeal and should your appeal be successful in
9 whole or in part this case will be resentenced before
10 another judge.

11 That's the order of the Court. He's remanded to
12 the custody of the marshal.

13 (Whereupon the matter concluded.)
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